

ORDINANCE NUMBER 17-13

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE**

This is a Planned Unit Development District Ordinance (to be known as the **DARTOWN CROSSING PUD DISTRICT**) to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1705-PUD-06**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1705-PUD-06** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (7-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on May 16, 2017;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

COPY

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Dartown Crossing PUD District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Architectural Insulated Panels: An insulated metal panel with an insulated core and an exterior face finished to simulate stucco, or other high quality exterior material. May also be referred to as "sandwich panels".

Section 3. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The District is hereby divided into three (3) subareas, as depicted on the Concept Plan and labeled as Area I, Area II and Area III (individually or collectively, "Area"). Development of each Area shall be regulated as set forth in this Ordinance.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the GB: General Business District (the "Underlying Zoning District").

Section 5. Permitted Uses. All uses permitted in the Underlying Zoning District shall be permitted, except as otherwise modified below:

- 5.1 Additional Uses: The following additional uses shall be permitted:
 - A. Gasoline Service Station.
- 5.2 Prohibited Uses: The following uses shall be explicitly prohibited:
 - A. Special Exception Uses, except as otherwise permitted herein.

Section 6. **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

6.1 **Minimum Building Setback Lines:**

- A. Front Yard: 30 feet
- B. Side Yard (internal to District): 0 feet
- C. Side Yard (abutting District perimeter): 20 feet

Section 7. **Overlay Districts.** The standards of Article 5.3 State Highway 32 Overlay District (the "32 Overlay") shall apply to the development of the Real Estate.

Section 8. **Development Standards.** The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 **Article 6.1 Accessory Buildings:** Shall apply; however, Article 6.1(H)(2) Screening of Receptacles and Loading Areas shall be modified to permit enclosures within Area I to be located within the Established Front Yard along the Access Road, as depicted on the Concept Plan.

8.2 **Article 6.3 Architectural Standards:** Shall not apply; rather the Architectural Design Requirements of the 32 Overlay shall apply.

8.3 **Article 6.8 Landscaping Standards:** Shall apply, except as modified below.

- A. **Parking Area Landscaping (Article 6.8(O)).** If adjacent Lots have vehicular cross-access and/or shared parking, then the shared Lot Line shall not require Perimeter Parking Area Landscaping (Article 6.8(O)(2)); rather, the combined Parking Area shall be designed as a single Parking Area and landscaped in accordance with the Interior Parking Area Landscaping (Article 6.8(O)(1)) requirements.

Section 9. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7 Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works.

Section 10. **Design Standards.** The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate.

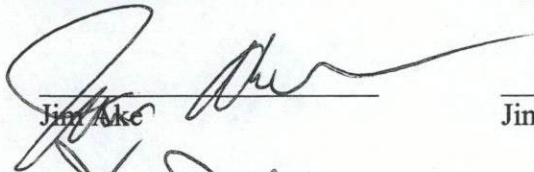
ALL OF WHICH IS ORDAINED/RESOLVED THIS 22ND DAY OF MAY, 2017.

WESTFIELD CITY COUNCIL

Voting For

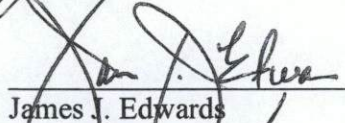
Voting Against

Abstain


Jim Ake

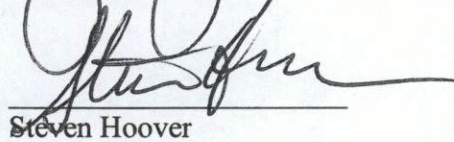
Jim Ake

Jim Ake


James J. Edwards

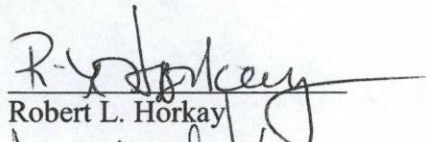
James J. Edwards

James J. Edwards


Steven Hoover

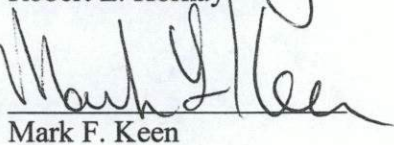
Steven Hoover

Steven Hoover


Robert L. Horkay

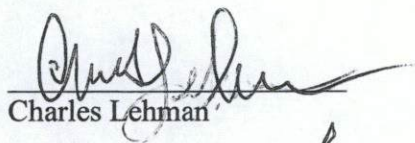
Robert L. Horkay

Robert L. Horkay


Mark F. Keen

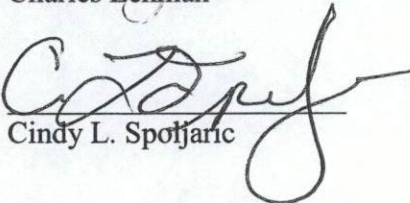
Mark F. Keen

Mark F. Keen


Charles Lehman

Charles Lehman

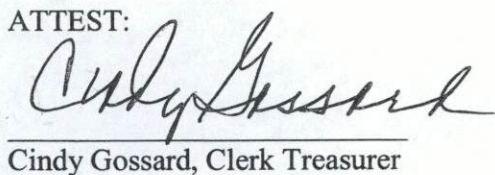
Charles Lehman


Cindy L. Spoljaric

Cindy L. Spoljaric

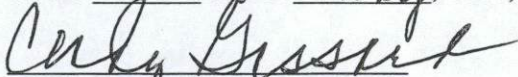
Cindy L. Spoljaric

ATTEST:


Cindy Gossard, Clerk Treasurer

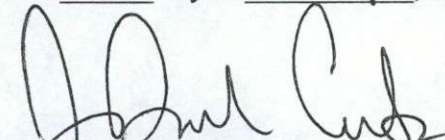
I hereby certify that **ORDINANCE 17-13** was delivered to the Mayor of Westfield

on the 22 day of May, 2016, at 7:30 p m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 17-13**

this 22 day of May, 2017.


J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 17-13**

this _____ day of _____, 2017.

J. Andrew Cook, Mayor

This document prepared by: Jesse M. Pohlman, Onpointe Land Matters, LLC
Birch Dalton, Edgerock Development, LLC
555 East Main Street, Westfield, Indiana 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jesse M. Pohlman

EXHIBIT A
REAL ESTATE

This description includes six (6) parcels of land:

PARCEL I (Parcel No: 09-05-35-00-00-019.000):

The Southwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, in Hamilton County, Indiana.

EXCEPT:

A part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows: Beginning on the East line of the said Quarter Quarter, 372.00 feet due South (assumed bearing) of the Northeast Corner of the said Quarter, Quarter; thence continuing along the said East line, due South 178.00 feet; thence leaving the said East line, South 89 degrees 17 minutes 34 seconds West 326.50 feet; thence due North 178.00 feet; thence North 89 degrees 17 minutes 34 seconds East 326.50 feet to the point of beginning.

ALSO EXCEPT:

A part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of the said Section; thence on and along the East line of the said Quarter, Quarter due South (assumed bearing) 372.00 feet; thence leaving the said East line, South 89 degrees 17 minutes 34 seconds West 326.50 feet; thence due North 372.00 feet to the North line of the said Quarter, Quarter; thence on and along the said North line, North 89 degrees 17 minutes 34 seconds East 326.50 feet to the point of beginning.

ALSO EXCEPT that part appropriated by the State of Indiana under Cause No. 29D01-0706-PL-728 in Judgment filed June 23, 2008 in the Hamilton County Superior Court No. 1 and recorded July 3, 2008 as Instrument No. 2008035083, July 30, 2008 as Instrument No. 2008039340 and August 14, 2008 as Instrument No. 2008041993, described as follows: A part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way depicted on the Right-Of-Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the southeast corner of said quarter-quarter section; thence North 0 degrees 31 minutes 48 seconds East 300.00 feet along the east line of said quarter-quarter section; thence North 89 degrees 28 minutes 12 seconds West 16.50 feet to the point designated 2045 on said Exhibit "B" on the west boundary of Dartown Road and the point of beginning of this description: thence South 0 degrees 31 minutes 48 seconds West 150.00 feet along the boundary of said Dartown Road; thence North 89 degrees 28 minutes 12 seconds West 23.50 feet along said boundary; thence South 0 degrees 31 minutes 48 seconds West 90.39 feet along said boundary to the north boundary of S.R. 32; thence South 89 degrees 57 minutes 47 seconds West 460.59 feet along the north boundary of said S.R. 32; thence South 0 degrees 02 minutes 13 seconds East 35.00 feet along said boundary; thence South 89 degrees 57 minutes 47 seconds West 821.50 feet along said boundary to the west line of said quarter section; thence North 0 degrees 24 minutes 28 seconds East 63.01 feet along said west line to the point designated 2046 on said Exhibit "B"; thence South 89 degrees 59 minutes 48 seconds East 6.17 feet to the point designated 2039 on said Exhibit "B"; thence South 0 degrees 02 minutes 13 seconds East 5.00 feet to the point designated 2037 on said Exhibit "B"; thence South 69 degrees 56 minutes 31 seconds East 43.66 feet to the point designated 2038 on said Exhibit "B"; thence North 89 degrees 57 minutes 47 seconds East 800.00 feet to the point designated 2040 on said Exhibit "B"; thence North 0 degrees 02 minutes 13 seconds West 5.00 feet to the point designated 2041 on said Exhibit "B"; thence North 88 degrees 43 minutes 09 seconds East 350.08 feet to the point designated 2042 on said "Exhibit "B"; thence North 48 degrees 19 minutes 01 seconds East 78.63 feet to the point designated 2043 on said "Exhibit "B"; thence North 9 degrees 28 minutes 16 seconds east 169.86 feet to the point designated 2044 on said "Exhibit "B"; thence South 89 degrees 28 minutes 12 seconds East 23.50 feet to the point of beginning and containing 1.199 acres, more or less.

PARCEL II (Parcel No: 08-05-35-00-00-021.000):

Part of the Southwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, Hamilton County, Indiana, and more particularly described as follows:

Beginning on the East line of said Quarter Quarter 372.00 feet due South (assumed bearing) of the Northeast corner of said Quarter Quarter; thence continuing along the said East line due South 178.00 feet; thence leaving the said East line, South 89 degrees 17 minutes 34 seconds West 326.50 feet; thence due North 178.00 feet; thence North 89 degrees 17 minutes 34 seconds East 326.50 feet to the point of beginning.

PARCEL III (Parcel No: 08-05-35-00-00-020.003):

Lot 1 and a part of Lot 4 in Dartown Heights Subdivision, the plat of which is recorded in Plat Book 5, page 204, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows: Beginning at the Southeast corner of said Lot 1; thence South 89 degrees 17 minutes 34 seconds West 301.50 feet along the North (sic South) line and South line prolonged of said Lot 1 to the West line of said Lot 4; thence North 00 degrees 00 minutes 00 seconds East 137.33 feet along said West line to the North line of said Lot 4; thence North 89 degrees 17 minutes 34 seconds East 301.50 feet along said North line to the Northeast corner of said Lot 4; thence South 00 degrees 00 minutes 00 seconds West 137.33 feet along the East line of said Lots 1 and 4 to the Point of Beginning, and containing 0.951 acres, more or less.

PARCEL IV (Parcel No: 08-05-35-00-00-018.000):

Part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, Hamilton County, Indiana, described as follows: Begin at the Southeast corner of said Northwest Quarter of said Southeast Quarter and run thence North 165.00 feet; thence West 264.00 feet; thence South 165.00 feet; thence East 264.00 feet to the place of beginning.

PARCEL V (Parcel No: 08-05-35-00-00-020.002):

Lot 2 and a part of Lot 4 in Dartown Heights Subdivision, the plat of which is recorded in Plat Book 5, page 204 in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows: Beginning at the Southeast corner of said Lot 2; thence South 89 degrees 17 minutes 34 seconds West 301.50 feet along the South line and South line prolonged of said Lot 2 to the West line of said Lot 4; thence North 00 degrees 00 minutes 00 seconds East 117.33 feet along said West line; thence North 89 degrees 17 minutes 34 seconds East 301.50 feet along the North line and North line prolonged of said Lot 2 to the Northeast corner thereof; thence South 00 degrees 00 minutes 00 seconds West 117.33 feet along the East line of said Lot 2 to the Point of Beginning.

PARCEL VI (Parcel No: 08-05-35-00-00-020.000):

Lot 3 and a part of Lot 4 in Dartown Heights Subdivision, the plat of which is recorded in Plat Book 5, page 204, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows: Beginning at the southeast corner of said Lot 3; thence south 89 degrees 17 minutes 34 seconds west 301.50 feet along the south line of said Lots 3 and 4 to the west line of said Lot 4; thence north 0 degrees 00 minutes 00 seconds east 117.34 feet along said west line; thence north 89 degrees 17 minutes 34 seconds east 301.50 feet along the north line and north line prolonged of said Lot 3 to the northeast corner thereof; thence south 00 degrees 00 minutes 00 seconds west 117.34 feet along the east line of said Lot 3 to the point of beginning.

